

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**NATALIE NUTTALL, individually and  
for the minor children KYNADEE NUTTALL,  
KYNZLEE NUTTALL,**

**Plaintiff,**

**v.**

**CIV 08-839 MV/LAM**

**CITY OF CLOVIS, et al.,**

**Defendants.**

**ORDER ADOPTING MAGISTRATE JUDGE'S  
PROPOSED FINDINGS AND RECOMMENDED DISPOSITION  
AND GRANTING STIPULATED MOTION FOR DISMISSAL WITH  
PREJUDICE AND REQUEST FOR FAIRNESS HEARING (Doc. 11)**

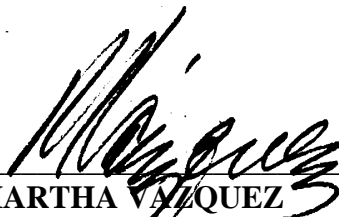
**THIS MATTER** is before the Court on Magistrate Judge Lourdes A. Martínez' Proposed Findings and Recommended Disposition (*Doc. 23*) (hereinafter, "PF&RD"), filed on April 7, 2009. The parties to this case have waived their right to file objections to the PF&RD pursuant to 28 U.S.C. § 636(b)(1)(C). *See Clerk's Minutes (Doc. 22)*. Also before the Court is the parties' Stipulated Motion for Dismissal With Prejudice and Request for Fairness Hearing (*Doc. 11*), filed on January 5, 2009, to which the PF&RD relates. The Court has reviewed the PF&RD, the parties' stipulated motion for dismissal, the record of this case and relevant law, and has determined that it will adopt the PF&RD; grant the parties' stipulated motion for dismissal; approve as fair and reasonable the fees and expenses of Gabrielle Valdez, Esq., in the total amount of \$1,615.97, for her services as guardian *ad litem* in this case; and order Plaintiff and Defendants, respectively, to each pay one-half of the guardian *ad litem's* fees and expenses as set forth herein.

**IT IS THEREFORE ORDERED** that:

1. The Proposed Findings and Recommended Disposition (*Doc. 23*) are **ADOPTED** by the Court;
2. The parties' Stipulated Motion for Dismissal With Prejudice and Request for Fairness Hearing (*Doc. 11*) is **GRANTED**;<sup>1</sup>
3. The guardian *ad litem*'s fees and expenses in the total amount of \$1,615.97 described in her Supplemental Guardian Ad Litem Report (*Doc. 21*) are **APPROVED** as fair and reasonable, and Plaintiff and Defendants, respectively, shall each pay one-half of such fees and expenses to Gabrielle Valdez within thirty (30) days after entry of this Order; and
4. Upon entry of this Order, Gabrielle Valdez' appointment as guardian *ad litem* in this case shall cease and she shall have no further or continuing duties to the Court or the parties pursuant to such appointment.

**IT IS FURTHER ORDERED** that a final judgment will be entered concurrently with this Order in accordance with Fed. R. Civ. P. 58.

**IT IS SO ORDERED.**

  
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MARTHA VALQUEZ  
CHIEF UNITED STATES DISTRICT JUDGE

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<sup>1</sup>The Magistrate Judge held a fairness hearing on April 6, 2009, in connection with the parties' Stipulated Motion for Dismissal With Prejudice and Request for Fairness Hearing (*Doc. 11*). Because the Court is adopting the Magistrate Judge's PF&RD, another fairness hearing is unnecessary.